



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 10, 1996

Mr. Mitchell S. Milby
Assistant City Attorney
Criminal Law and Police Division
City of Dallas
Municipal Building
Dallas, Texas 75201

OR96-2335

Dear Mr. Milby:

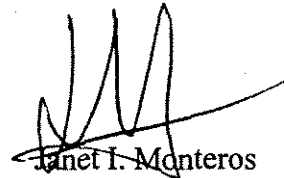
You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 102356.

The City of Dallas (the "city") received a request for a document which evidences "comments from a [sic] Velu's to Chief Taylor (Assistant City Attorney Prema Velu and Internal Affairs Division Deputy Chief Willie Taylor)". However, the city seeks to withhold the requested document based on section 552.107 of the Government Code. You enclosed a copy of the document the city seeks to withhold.

Section 552.107 provides that information is excepted from public disclosure if it is information that the attorney general or an attorney of a political subdivision is prohibited from disclosing because of a duty to the client under the Rules of the State Bar or a court by order has prohibited disclosure of the information. The first portion of this section applies to protect information within the attorney-client privilege. Under this section, a governmental body generally may withhold only information revealing client confidences or containing legal advice or opinion. Open Records Decision No. 462 (1987). When invoking this exception in its ruling request, the governmental body bears the burden of explaining how the particular information requested constitutes either a client confidence or a communication of legal advice or opinion protected under this section. *See, e.g.*, Open Records Decision No. 589 (1991). After reviewing the document, we conclude that the legal memorandum may be withheld in its entirety pursuant to section 552.107(1), as the document consists solely of an attorney's legal advice and opinion.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Janet I. Monteros', with a long horizontal flourish extending to the right.

~~Janet I. Monteros~~
Assistant Attorney General
-- Open Records Division

JIM/rho

Ref.: ID# 102356

Enclosure: Submitted document

cc: Mr. Michael D. Sneed
809 Dawson Street
Cedar Hill, Texas 75104
(w/o enclosure)